

SYNOPSYS, INC.

No. C-03-2289 MJJ (EMC)

Plaintiff.

No. C-03-4669 MJJ (EMC)

V.

RICOH CO., LTD.,

ORDER GRANTING PLAINTIFF'S EX PARTE MOTION TO EXPEDITE; AND DENYING PLAINTIFF'S MOTION TO QUASH

Defendant.

**(Docket Nos. 405 and 407 in C-03-2289;
Docket Nos. 542 and 544 in C-03-4669)**

RICOH CO., LTD.,

Plaintiff,

V.

AEROFLEX, et al.,

Defendant

Defendants.

For the Northern District of California

Ricoh has filed a motion to quash which it asks be heard on an expedited basis. The Court GRANTS the motion to expedite but DENIES the motion to quash.

23 The motion to expedited is granted because the three subpoenas at issue have a return date of
24 August 18, 2006. However, the motion to quash is denied because all three subpoenas were issued
25 from a federal court outside this District. Federal Rule of Civil Procedure 45(c)(3)(A) indicates that
26 a motion to quash or modify is to be ruled upon by “the court by which a subpoena was issued.”
27 Fed. R. Civ. P. 45(c)(3)(A); *see also* Wright & Miller, 9A Fed. Prac. & Proc. § 2459, at 40-41 (1995)
28 (“The 1991 amendments to Rule 45(c) now make it clear that motions to quash, modify, or condition

1 the subpoena are to be made to the district court of the district from which the subpoena issued. It is
2 the issuing court that has the necessary jurisdiction over the party issuing the subpoena and the
3 person served with it to enforce the subpoena.”). To the extent Ricoh’s motion also seeks to “quash”
4 what it calls discovery requests made by Synopsys and the Customer Defendants (collectively,
5 “Defendants”), Ricoh has not presented any evidence demonstrating that Defendants have
6 propounded any formal discovery requests upon which Defendants could move to compel. Instead,
7 Ricoh has established only that Defendants sent a letter, asking for additional information. *See*
8 Brothers Decl., Ex. 1.

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10 IT IS SO ORDERED.

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12 Dated: August 18, 2006

13 For the Northern District of California

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EDWARD M. CHEN
United States Magistrate Judge